

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

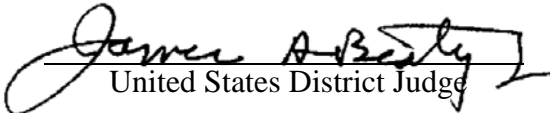
ALFRED MILTON RIVERA,)
)
 Petitioner,)
)
 v.) 1:06CV158
)
 WARDEN T. O'BRIEN,)
)
 Respondent.)

J U D G M E N T

On February 21, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that this action is dismissed sua sponte without prejudice to petitioner filing a new petition which corrects the defects of the current petition, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


United States District Judge

March 17, 2006